

(A) SEARCH WITHOUT WARRANT. - IF A NATURAL RESOURCES POLICE OFFICER OR ANY LAW ENFORCEMENT OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT ANY SPECIES OF WILDLIFE OR ANY DEVICE IS POSSESSED IN VIOLATION OF THIS TITLE, AND IT IS NOT POSSIBLE OR FEASIBLE TO SECURE A SEARCH WARRANT IN TIME TO SEIZE THE BIRD, MAMMAL, AMPHIBIAN, OR REPTILE OR THE DEVICE, THEN HE MAY EXAMINE ANY BOAT, RAILWAY CAR, BOX, CRATE, PACKAGE, OR GAME BAG WITHOUT A WARRANT.

(B) WARRANTLESS SEARCH OF AUTOMOBILES. - IN THIS EVENT, A NATURAL RESOURCES POLICE OFFICER, IN UNIFORM OR ACCOMPANIED BY A UNIFORMED POLICE OFFICER, MAY STOP AND SEARCH AN AUTOMOBILE, ANY VEHICLE, OR TRAILER FOR THE PURPOSE OF EXAMINING THE GAME BAGS. HE ALSO MAY DETERMINE WHETHER THE PERSON HAS AN APPROPRIATE LICENSE.

(C) EXCEPTIONS. - THIS SECTION DOES NOT PERMIT ENTERING A DWELLING HOUSE WITHOUT FIRST PROCURING A SEARCH WARRANT.

REVISOR'S NOTE: This section is new language modeled after an identical provision relating to fish in Title 4, derived from section 121(k) of the Code.

Although this section and sections 10-1105 and 10-1106 may result in an unconstitutional search and seizure, the cases recently decided by the Supreme Court would permit the seizure of wildlife found within the offender's immediate control pursuant to lawful arrest. See, e.g., Coolidge v. New Hampshire v. U.S., 403 U.S. 443 (1971). See also the revisor's note to section 10-210(e). Any wider seizure would seem to be unconstitutional. Instead of preventing any potential unconstitutional searches and seizures, the staff decided to retain the present language and let case law govern the operation of this section.

10-1105. SEIZURE AND DISPOSITION OF ANY SPECIES OF WILDLIFE UNLAWFULLY CAUGHT, SOLD, OFFERED FOR SALE, TRANSPORTED, OR POSSESSED.

A NATURAL RESOURCES POLICE OFFICER OR ANY LAW ENFORCEMENT OFFICER, UPON ARRESTING ANY PERSON FOR VIOLATING ANY PROVISION OF THIS TITLE OR ANY RULE OR